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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/587,750

04/25/2007

Isao Hosoe

48557-0001

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EXAMINER

BROWN, PETER R

ART UNIT

PAPER NUMBER

3636

MAIL DATE

DELIVERY MODE

06/13/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/587,750	Applicant(s) HOSOE ET AL.	
	Examiner Peter R. Brown	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims as a whole contain numerous instances of confusing and unclear language, including grammatical errors and awkward phraseology, and should be carefully reviewed. For example, in claim 1, the term “almost plate-like” is vague and unclear, as is “fitted by a portion that is different from the supporting surface”, “at least one motion out of a first motion”, “turned around an axis that extends in a direction to pass through the supporting surface...”, “a fallen position”, and “in which the ...surface directed just upward is allowed”. Such are all instances of unclear, confusing and awkward language. The remainder of the claim include similar confusing language.

In claim 5, the “leg column” has not been sufficiently defined and interconnected relative to the other elements. The same applies to the “intermediate supporting member” in claim 6.

The term “bottle gourd shape” is not a term commonly utilized in the art and should be changed to a more structural description.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject

matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3,7 and 8, so far as definite, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernald and Freedman.

Fernald (fig. 2) teaches the use of a backrest that is rotatable about an axis that extends front-to-back of the back support, while Freedman (figs. 1,3) teaches the use of a backrest that can rotate about a horizontal axis, allowing the use of the backrest in secondary flat position. In view of these disclosures, to have either modified Fernald in view of Freedman, by providing an additional movement about a horizontal axis, to allow an additional use of the backrest as an article support, or alternatively, to have modified Freedman in view of Fernald by allowing the backrest to rotate additionally about a front-to-back axis, wherein the back support may be rotated to allow for a different orientation thereof, would have been obvious to one with ordinary skill in the art.

The shape of the back support is considered to be a matter of design choice.

Claims 4-6,9 and 10, so far as definite, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernald and Freedman as applied to the claims above, and further in view of Case.

The conventionality of forming seat supports to swivel is shown to be old and well known in the art by Case, and in view of this suggestion, to have formed the seats of Fernald and Freedman to swivel would have been well within the level of

skill in the art, thereby allowing the occupant to turn to different positions. The shape of the back support is considered to be a matter of design choice.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jennings, Rogers, Williams et al, Anderson, Hoffmann, Ramond, Larson, and Xiromeritis et al show various features of the invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter R. Brown whose telephone number is 571-272-6853. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter R. Brown/
Primary Examiner, Art Unit
3636

prb